

REMARKS

The above-captioned patent application has been carefully reviewed in light of the non-final Office Action to which this Amendment is responsive. Claims 1-14 have been amended to further clarify and distinctly point out that which is regarded as the present invention. In addition, new Claims 15-22 have been added. To that end, no new matter has been added.

Claims 1-14 are pending in the above-captioned patent application. Claims 1 and 6-14 have been rejected on the basis of certain prior art, namely U.S. Patent No. 2,388,766 to Ruttiman. Claims 9 and 12-14 have also been objected to because of informalities. Applicant respectfully requests reconsideration based on the amended claims and the following discussion.

Applicant gratefully acknowledges the allowability of Claims 2-5 over the prior art of record.

Prior to discussing the prior art rejections in detail, Applicant would like to briefly discuss the novel contributions made by the present invention. That is, Applicant has devised a set of handcuffs that incorporate a novel restraint mechanism and method for restraining an individual using the handcuffs. Typical handcuffs, though effective in initially securing an individual, do not necessarily provide safeguards for a detainee to step through the cuffs once they are attached, particularly those detainees that are cuffed from the back. The present design of the cuffs and a person's anatomy can therefore create opportunities, not to escape the cuffs themselves but to provide sufficient arm space to permit a cuffed individual to reach for a concealed weapon, for example, in a shirt pocket, if cuffed from the front, to attempt to wrestle or grab a weapon from an enforcement officer, or to be in a more favorable position in terms of confrontation. A typical pair of handcuffs in fact include those to Ruttiman that have been cited against the present application.

Applicant has created a set of handcuffs wherein a pair of bracelet sections are interconnected by a flexible linkage or linkage means extending through the bracelet sections along a linkage axis. The linkage means permits pivotal and axial attachment wherein the restraint mechanism permits one of bracelet sections to be

rotated relative to the other bracelet in a first rotational direction about a linkage axis to at least one of a plurality of predetermined angular locking positions. What is essential in terms of the present invention is that the restraint mechanism permits rotation in the first rotational direction about the linkage axis, but does not permit rotation in a second rotational direction opposite from the first rotational direction once an angular locking position has been assumed by the mechanism. That is to say, movement can occur from a neutral position to a first locking position (e.g., 45 degree, 90 degree, etc depending on where the locking position occurs) but once this position has been reached further rotation is possible only in the first rotational direction until a succeeding locking position has been reached. Prior to reaching the second locking position, the bracelet section can be rotated between the first locking position and the second locking position in the first and second rotational directions, but once this second locking position has been attained, again no further rotation is possible in the second rotational direction. Preferably, the restraint mechanism includes a ratchet or other form of mechanism to permit rotation to occur, though this should not be exclusive of the present invention in that any suitable mechanism which permits and prevents rotation in the manner described above is utilized.

In terms of use, this creates an extremely advantageous method for law enforcers to handle detainees. By first cuffing the individual from either the front or the back and locking the bracelet sections in place in a conventional manner, the enforcer need only rotate the detainee's arms relative to one another in the first rotational direction to set the restraint mechanism and to engage a locking position. In the locking position, the detainee's arms are caused to fold inwardly in an overlapping position that makes step through nearly impossible and which moves the hands of the detainee looking from the front in a position that makes it much more difficult to obtain a stowed weapon or to reach, for example, for the sidearm of an enforcement officer. Once the detainee is placed in the above position, the arms can not be released without unlocking the cuffs.

Turning to the prior art cited by the Examiner, Ruttiman has been cited under 35 USC 102(b) as being anticipatory of Claims 1 and 6-14 of the above-captioned patent application. Applicant respectfully traverses this rejection as follows:

In order for a successful anticipatory rejection, the single cited reference must contain each and every claimed limitation. Those limitations which are not found must be notoriously well known in the field of the invention to one of sufficient (e.g., average) skill at the time of the invention.

Applicant does acknowledge that Ruttiman does describe a set of handcuffs that permits rotation about a linkage axis – see the connection to the end of the link 28 therein. However, this cited reference fails to describe or suggest a restraint mechanism that permits rotation ONLY in a first rotational direction once a locking position has been attained. In fact, Ruttiman does not describe any form of restraint mechanism, apart from the bracelet sections themselves. That is to say, Ruttiman does not teach a mechanism in which the bracelets themselves are rotated in a first rotational direction about the linkage axis wherein movement in a second opposite rotational direction is prevented once a locking position has been achieved, but further movement in the first rotational direction is still permissible.

Claim 1 has been amended to further clarify and distinctly point out that the first and second rotational directions along which the bracelet sections are rotated occur about the linkage axis and that the restraint mechanism prevents a bracelet section from being rotated in the second rotational direction along the linkage axis once a locking position has been attained. Support is found repletely in the specification and drawings, see for example Fig. 10. Therefore, no new matter has been added. It is believed this clarification distinctly and patentably distinguishes over the cited prior art. Reconsideration is respectfully requested.

As to Claim 9, this claim has also been amended to clearly point out that the handcuffs prevent rotation in a second rotational direction about the linkage axis once a locking position has been reached using the restraint mechanism while still allowing further rotation in the first rotational direction. Because these essential differences are not found, either explicitly or implicitly, in the cited art, there can be

Serial No.: 10/609,220
Amendment Dated: September 3, 2004
Reply to Office Action of June 8, 2004

no anticipation under the Statute. Claims 10-14 are believed allowable for the same reasons since these claims depend from amended Claim 9. Reconsideration is respectfully requested.

Applicant has amended Claims 2-8 and 10-14 in order to properly conform these dependent claims to the language of amended independent Claims 1 and 9. In addition, new Claims 15-22 have been added. Claims 15- 17 each depend from Claim 9 while Claims 18-22 depend from Claim 1. Each of the new claims relate to features contained in the above-captioned application and do not contain new matter. Examination and favorable allowance of these claims is respectfully requested.

In summary, it is believed the above-captioned patent application is in an allowable condition and such allowance is earnestly solicited.

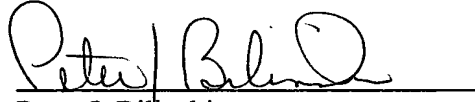
If the Examiner wishes to expedite disposition of the above-captioned patent application, he is invited to contact Applicant's representative at the telephone number below.

The Director is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-0289.

Respectfully submitted,

WALL MARJAMA & BILINSKI LLP

By:


Peter J. Bilinski
Reg. No. 35,067

PJB/sca
Telephone: (315) 425-9000

Customer No.: 20874